

JUDGE CAMPBELL TO TESTIFY FOR HIMSELF TO-DAY

that Sunday, or any other Sunday, or any other day you sold whiskey to Judge Campbell on an order sent by him."

"I will state this, gentlemen," said Mr. Day, "that never, while I have been engaged in the drug business, did I receive an order for whiskey in any conceivable shape."

"The negro says he bought a bottle of whiskey for Judge Campbell that morning."

"It is not so."

"Did you on this or any other Sunday sell whiskey to Judge Campbell or anybody else?"

"No, sir. When I read that day's testimony in the paper, I referred back to my books and looked over the account. I think Judge Campbell got a box of cigars that day—nothing more."

EDWIN BOWEN

"Well, Mr. Bowen has testified that in the Flood-Loving campaign in June, 1900, he and Judge Campbell entered your drug store and took a drink for which Judge Campbell paid. Will you read Mr. Bowen's testimony, is that right?"

"No, sir."

"Have you at any time in your life seen Judge Campbell take a drink in your place?"

"No, sir."

"I may have seen him take a drink when I was running a bar-room. That was a long time ago."

"mean on the 5th of June, 1900, when you had a drug store?"

"I will say this, that when I read Bowen's testimony, I remarked that I had a nice little drug store—better than it was represented here—be-and that if I could prove what Bowen said I would give him a deed to my property."

"But, has Judge Campbell ever taken a drink in your place since you have been running the drug store?"

"No, sir."

"It has also been stated by Mr. Bowen that during the Flood-Loving campaign he had taken men to your place and had them drink, also that he took whiskey outside your door from Judge Campbell. Is that so?"

"No, sir."

"Did you at any time give Bowen or anybody else liquor to drink or to take away on an order from Judge Campbell?"

"No, sir."

CROSS-EXAMINATION.

Judge Loving opened up on Mr. Day when Major Conrad indicated that he was through.

"Your drug store is run by yourself and Dr. Brydon, is it not?"

"Yes, sir."

"Isn't the drug store part conducted pretty much by Dr. Brydon?"

"Yes, sir."

"Isn't it frequently the case that you are absent and that Brydon has full charge of the store?"

"No, sir."

"Are you prepared to say that liquor may not have been sold during your absence without your knowledge?"

"Not positively. Of course I cannot say what was sold on while I was away, but I have confidence in Mr. Brydon. From over, I don't believe this man Bowen has ever here lately, frequented my place."

"What I mean to ask you Mr. Day is this: Whether Judge Campbell at any time in person, by order or by other way ever obtained liquor from your drug store?"

"He never got any in person."

"By order?"

"I will say this, that Judge Campbell has a very delicate wife and she has had a prescription to my house and has had it filled and re-filled several times. Judge Campbell never did."

"And that was all?"

"To the best of my knowledge and belief it is."

PREScription BOTTLE.

Here Major Conrad came in at again asked about the "prescription bottle" Judge Campbell is said to have kept "for his friends." This statement, it will be recalled, was made by Mr. Sandilge, who said he had used the "prescription bottle" to obtain whiskey from Judge Campbell's testimony, too, and said that so far as his house was concerned, Judge Campbell had never had a prescription bottle.

"Did Sandilge ever come to your place as he said?" asked Mr. Strode.

"No, sir. I don't recall it."

"Has Judge Campbell ever frequented your place of business?"

"Yes, he came in there."

"HOT QUESTIONING."

The question of Mr. Day's position in the local option elections in Amherst cropped up here. Briefly the prosecution attempted to show that Mr. Day closed his saloon and opened a drug store after the first election; that he sold whiskey illegally and was so well satisfied with the success of this sale under cover of the drug store, that when the second election came around he supported the "dry" side.

"Did you not come out actively in the interests of the 'dry'?" asked Mr. Strode.

"No, sir, not actively."

"You were in favor of the dry side though, weren't you? Here I have a letter written by you to the Rev. J. W. Willey. I will read it."

The letter was to the effect that the writer (Day) was in favor of the dry forces. He said to Mr. Willey that he had heard and had approved and appreciated his arguments for local option and that in this letter to Mr. Willey that he was satisfied with local option and preferred to have it continue to prevail. He finally stated that he had many friends and that he would interest himself on the "dry" side.

"Did you write that letter, Mr. Day?"

"Yes, sir."

"You have nothing further to ask you Mr. Day," said Mr. Strode with a rising inflection.

"I have something more to say though," replied the witness, dryly.

"Right, we invite an explanation."

Mr. Day.

"As I started to say, gentlemen," said the witness in effect, "I went into the drug business after I had to close my saloon when the county went dry. I laid in about \$200 in a stock of drugs. I found the business more pleasant and agreeable than the other and I was perfectly willing to remain in it. I wished nothing to remain like they were without any more changing. So I wrote to Willey."

"You did advocate the dry side then?"

"I wrote to Mr. Willey."

"What was in that letter?"

"You ought to have it; you have the other."

Well, let me try to refresh your memory. Didn't Mr. Willey say, I was assisting him that you wanted to suppress the 'dry' while you were selling whiskey illegally. Didn't you reply that you didn't propose to make promises about how you conducted your business? Is not that the gist of the correspondence?"

"No."

"Didn't you sell whiskey without any license whatsoever?"

"And weren't you so well satisfied that you were willing to support the dry?"

"No, sir. Now I want to explain. I have already said that I preferred not to change back to the whiskey business. Mr. Willey didn't take my letter in the spirit in which it was written. I was sorry I wrote the first letter and I told him so."

"Didn't you reply that 'you didn't intend to make promises'?"

"I guess so."

"And weren't you so well satisfied that you were willing to support the dry?"

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CECIL ROSE AGAIN.

Call rose into the same again at this point at the instance of Major Conrad who wanted to know of the witness if the negro had on that Sunday come to his place with an order from anybody. He said Mr. Rose had appeared in his store with a letter from Dr. Richardson. The paper called for a package which had been left there for the doctor. The parcel was in a two-

bushel bag and it appeared to be a jug. What was in the jug, the witness could not say.

"And to show you how I felt about the matter I let that negro go from my store that Sunday morning with the package in the bushel bag and that I knew I was being watched by ministers of the gospel who were so busy looking after me that they couldn't do anything else—couldn't attend to a funeral."

HAIRD ON EVANS.

"Now Mr. Day," said Major Conrad, "tell the committee if you ever took legal advice about your right to sell whiskey on prescription?"

"No, sir," replied Mr. Day, "I did conduct a drug-store for two years and sold whiskey without a druggist's license to do so. But I did it under the advice of a Commonwealth's Attorney, Mr. O. L. Evans. When I had to close my barroom after the county went dry I was shut off with a considerable stock of whiskey and no time to dispose of it. I consulted Mr. Evans and he informed me that I could legitimately use whiskey in prescriptions. He said I would be a darn fool if I paid \$150 to sell whiskey under the law. He told me also, that nothing could be done with me if the whiskey was medicated—not pure whiskey. Mr. Evans has never seen fit to correct his statements here."

"Did you pursue the advice given by the Commonwealth's Attorney?" was asked.

"Yes, sir, for two years."

"Mr. Day proceeded to procure some of the people who have been 'watching' him. He said he had made a proposition to them that if they would pay as much attention to others as to him they could find money. They didn't do it. The witness said he wished to say this because 'they have been so hard on me here.'"

DUFFY'S MALT.

The much-discussed "Duffy's Malt Whiskey," sold by Mr. Day in his drug store, was examined to a feature of this case. The witness said he wanted to explain something about this and he proceeded to do so in a clear and convincing manner.

"Duffy's Malt Whiskey," he said in effect, "was a pure whiskey as has been testified here. It is preparation distilled from pure grain and drugs. The Government has recognized it as a medicine. It is the only thing like whiskey which the Government allows to appear without a stamp. Now, it happened that physicians in Amherst began to prescribe Duffy's Malt Whiskey to patients, and I wanted to know if I could keep it in stock and fill the prescriptions. I examined carefully into the matter and was instructed by Mr. Conrad and Duffy's Malt without a license. This was certainly the case with reference to the Government law."

"Later on, the people watching me succeeded in dissuading me from selling it. I had sold Duffy's Malt Whiskey. Three of these people were dead and in their graves. They had been sick in bed when they ordered the malt and they never got well. Five cases were brought against me and I pleaded guilty. I was fined because I was now informed of the State law upon the subject. The State law, unlike the Government law, did not permit the sale of whiskey. So I pleaded guilty and compromised on the minimum fine. I was fined on all five charges."

"Why did you plead guilty in all five cases when you were charged with selling other whiskey than Duffy's Malt?"

"Because the prosecution had tackled one of the five bottles of malt on to each of the five cases."

"And I want to say right here," continued the witness, "that there is no fortune in selling Duffy's Malt Whiskey. There is small profit in it. In the five sales for which was fined, I received 50 cents for the whiskey."

GRADE OF WHISKEY.

Questioning by the committee followed for some time. Mr. Day was asked about the testimony of Mr. Dearborn yesterday concerning the shipments to himself of large quantities of whiskey. He questioned the accuracy of the testimony and said Mr. Dearborn was mistaken about the amount.

"Were all those barrels sold upon prescription?"

"I have no idea that I received them."

"Close questioning by the committee with references to one point was somewhat prolonged and dull. Mr. Day was asked if he kept whiskey of different grades. He said he kept different brands and so on and could not for a long time understand that the committee meant not different drinks but different kinds of the same drinks."

"For instance," the witness said, "we want to know if you had \$2 whiskey, \$3 whiskey and \$4 whiskey?"

"Unfortunately for me, gentlemen, the physicians of Amherst did not prescribe such good whiskey."

"Mr. Day finally asked the drift of the question and stated positively that the whiskey he used in prescriptions was all of the same kind."

"I had in my place whiskey of different grades, but I wasn't using it. It was some I had had for two years, left over from the time I had to close my saloon. Of course, couldn't sell it under the law, and I don't use it in prescriptions. So there it stood."

SHARP INTERROGATION.

Just here Mr. Strode proceeded to interrogate Mr. Day closely about the witnesses who had appeared against him in the five cases and about the statements from some of them that they secured whiskey in his place without a license. Mr. Day admitted that prescription bottles were refilled when presented to him unless the physician had distinctly marked it otherwise. The witness declared moreover that he would stop letting a man have whiskey even on prescription when he thought the privilege was being abused. The liquor was being used as a beverage.

"It has been stated here," he said "or at least that's what the newspapers say, that I never lost an opportunity to sell whiskey. Never in my life, not even when I had a bar-room. I will sell liquor to a drunken man. I always stopped and refused to let him have any more."

JUDGE LOVING DISCLAIMS.

Judge Loving chimed in again and said he wanted to know about the labels on the bottles. He understood that Mr. Day put the labels there. The Judge wanted to learn something about this. "You know more about that, Judge Loving, than you appear to know," he was bought medicine on prescription."

"No."

"Do you impute?"

"I mean just this. A prescription is brought to us signed by a doctor; we fill it and put the label on it. Then we label the bottle, put directions on it, and number it according to the number on the prescription. The latter we file away. When the bottle is brought back to be refilled we look at the number and by means of it refer to the prescription on the file. We don't know whose prescription it is. The name of the person who got it is not written on it."

Reference was made again to the Flood-Loving campaign and Mr. Day said he had supported Judge Loving. The latter declared that he recognized and appreciated the fact.

"I am afraid you didn't appreciate my work from the way you have pictured me here," declared the witness.

"Mr. Day," said the Judge, "I have tried to show here that there was an illegitimate sale of whiskey in Amherst. I felt it my duty to do so. But my letter was directed against Judge Campbell for permitting this sale, not you. I distinctly

disclaim any intention of making a personal attack upon you."

The witness began to cross-examine Judge Loving, but the committee ruled him out.

IT WAS THEN BRAGGED THAT Mr. Day had sold beer upon prescription and that he had permitted him to do so. The thing about the malt whiskey being sold to people near dead and buried was referred to again by the witness.

"Did your whiskey put them there Mr. Day?" asked Judge Loving.

"From what you have said here about the whiskey, the whiskey must have killed them."

THE NEXT WITNESS.

At last, the long examination of Mr. Day, which extended through about two hours, was at an end and another witness was called. Mr. O. L. Fleming, of Amherst County, took the stand.

Statement was made by Mr. Fleming to the effect that he was at the residence of Judge Campbell on the day after the Flood-Loving campaign and that he went there to hear the election returns. About twenty-five other people were present. The witness could speak positively of the jug of whiskey. Call rose went out to get for the crowd. The order for the jug was directed to Day's store and was given by Dr. Richardson. The negro went out and after a while returned with the jug in a bag. Judge Campbell was not present when the order was given.

"Did Judge Campbell have any knowledge of the order?" asked Major Conrad.

"I think not."

"Who wrote it?"

"Dr. Richardson."

"To whom did the negro deliver the jug?"

"To Dr. Richardson."

"What time of day was that?"

"Between 11 and 12 o'clock, I think."

"Did Dr. Richardson say anything to the negro when he gave the order?"

"No, sir."

"Was there any other order given during the day?"

"Not to my knowledge."

CROSS-EXAMINATION.

On cross-examination the witness stated that the jug contained a gallon of whiskey, which was drunk in the house by those present. The vessel was sealed and tagged but he didn't know where it was tagged from. Dr. Richardson didn't say where he got the whiskey.

"Isn't it a custom in drinking whiskey to seal the bottle and tag it?"

"It is a custom where it came from."

"It may be. It is not a custom with me."

"You are only too glad to get it under any circumstances?"

"That's about it."

"Did you see John Bowen go by that day?"

"No, sir."

"Do you know Mr. Bowen?"

"I do not and I am glad of it."

"You are glad of it?"

"Yes, sir."

"Do you remember if any cigars were laid out that day?"

"I do not remember."

"Was the whiskey put in a decanter and served?" asked a member of the committee.

"No, sir. I don't drink it straight from the jug."

"It was put into a decanter?"

"Was Judge Campbell in the room when you drank it?"

"No, sir."

"Did he take a drink?"

"He probably did."

"Did you see any other whiskey there that day?"

"I don't know."

DR. RICHARDSON TESTIFIES.

The next witness was Dr. W. A. Richardson to whom Mr. Tinsley and Mr. Day had reference in the matter of the jug of whiskey. Dr. Richardson's account was clear. He said he had been spending a few days with Judge Campbell and was there upon the Sunday morning when the question of the whiskey in the jug began to run low and he went to the rescue. He had a gallon jug-whiskey or brandy, he didn't remember which—and he sent for it. It was a prescription for brandy and had been left for him at Day's store.

When he saw the whiskey in the house getting low, Dr. Richardson says, he called Rose, a servant in the house, and gave him an order to get the whiskey in Day's store, asking that the package laid there for him (Richardson) be delivered to the bearer. The negro got the jug and brought it back, accompanied by the knowledge of the order until after the whiskey was brought into the house.

"Rose says he was sent out with an order and a jug. How about that Dr. Richardson?"

"I don't know anything about that. If there was such an order I didn't see it."

"Did you say anything to the negro when you gave him your order?"

"No, sir. I told him to go to Mr. Day's and get a jug left there for me. Then I gave him the written order for Dr. Brydon."

"Tinsley has said you didn't say anything to the 'darker'."

"I think Mr. Tinsley is mistaken. I think he is also mistaken about the time. As well as I can recollect, it was 2 or 3 o'clock in the afternoon when the negro got back."

Several questions were asked by members of the committee as to who poured out the whiskey and so on, but the witness said he couldn't give any details.

WHISKEY IN CAMPAIGN.

For some time after this Dr. Richardson was questioned about the use of whiskey in the Ware-Whitehead campaign. He testified that he was active for Mr. Ware and that he had treated a number of the voters to drinks. He did not do so, however, with a view to influencing them, but because he was influenced by a man who could be so influenced. In every case, so far as he could remember, the drinks were given after the voters who took them had cast their ballots.

Dr. Richardson was then pressed by Mr. Strode about this campaign whiskey.

The witness said it was in his room at the hotel, but that he didn't know how it got there. Everybody laughed and the witness called it a "joke" for order. Dr. Richardson went on to say that he didn't know who had paid for the whiskey, and that some of it might have come from Day's place.

"Did you know of the whiskey being used for medicinal purposes?" asked Judge Loving.

"We were not using it for that," replied the witness.

"Are you prepared to say that you didn't get it from Day?"

"I don't know. I did get some of it there. I have a faint recollection that Mr. Burks brought some of it from Lynchburg."

"At one point the committee ruled that the witness could not be compelled to answer when fragments were served?"

"No, sir."

"But Dr. Richardson expressed a willingness to go on ad infinitum and explain everything he knew."

WOOD STAYED THERE.

The examination of Dr. Richardson closed with reference to matters of a different sort.

"Did you take supper with Judge Campbell the last night of the trial for assault?"

"No, sir."

"Who else were there?"

"I couldn't say; quite a number of ladies and gentlemen."

"Was Judge Wood there?"

"Yes, Judge Wood came to Judge Campbell's house for the first time after the verdict was rendered. Then he spent the night at the house. He left for home the next day."

"Was there any liquor there after the verdict when fragments were served?"

"I didn't see a drop."

MR. PAYNE RECALLED.

As soon as Mr. R. S. Fagus, the next

witness to testify to all he knew—that he didn't see the jury applaud when the verdict acquitting Judge Campbell was rendered—Mr. T. C. Payne was recalled to the stand. Mr. Payne, who appeared some time ago, wished to make certain corrections in his previous testimony. One of these corrections was in reference to Dr. Brydon, the clerk in Day's drug store. Mr. Payne had said that Dr. Brydon did not appear as a witness against Day in the Amherst proceedings against the drugist. From facts learned since, Mr. Payne remembered now that he wished to correct himself. He was subjected to another long cross-examination similar to that he went through when he first appeared. Finally some new features were added.

"Dr. Tunstall, of Nelson county, has testified here Mr. Payne," said Major Conrad, "that in the conduct of his business as a druggist he never sold whiskey either on prescription or otherwise. Did Mr. Tunstall ever sell you any whiskey, Mr. Payne?"

"He did."

"In March, 1902, while I was attending the Nelson court, he gave me a prescription for one-half pint. He was in his store. He wrote off the prescription and the clerk gave me the whiskey."

"Did he prescribe the prescription, and filled that prescription as a druggist?"

"Yes, the clerk filled it."

"Were you feeling badly at the time you asked for the whiskey?"

"Yes, and felt worse after I drank it."

"Did you not get the prescription," asked Judge Loving, "on the representation of Dr. Tunstall that you were sick?"

"Yes, sir."

The witness was drawn into a statement of the jury conditions in Amherst, and admitted that he got the whiskey from Day's on a prescription. "Did you use it for medicinal purposes?"

"I felt that I needed it."

"You mean that every time you get new you feel the need of it?"

"No, I don't mean anything of the sort."

Several calls had been made for Mr. T. B. Wood, but he was not forthcoming, and finally the sergeant-at-arms instituted a search to locate him. He was pulled into the light and duly installed as the next witness. At first he seemed indisposed to kiss the Bible, but the clerk poked it into his face and there was no alternative. The robes and all he said miserably, as he squirmed into his seat.

"Do you know Mr. Otto L. Evans, Mr. Wood?" asked Major Conrad after a while.

"I have had a great honor and pleasure in meeting Mr. Evans in the course of my life," was the reply, delivered in a pompous tone, which the witness preserved throughout the examination.

"Everybody laughed, and the sergeant-at-arms took the witness to the jury room."

"Did you have any conversation with Mr. Evans about these matters?"

"Am I permitted?" asked the witness, with a lordly bow to the committee, when he heard certain objections to the question.

"You are permitted, Mr. Wood."

"Well, sir, I heard of the trouble between Judge Campbell and certain government officials whom I take to be the powers that be—and I thought that the quarrel would be a bad thing. You know how bad it is, gentlemen. Well, I went to Mr. Evans and asked him if wouldn't anything stop the proceedings against Judge Campbell. He said that nothing less than the Judge's resignation from office would do."

"Did you tell the Judge that?"

"No, sir. I told Mr. Evans I wouldn't insult the Judge by telling him such a thing."

"Did you go to Mr. Evans at the instance of Judge Campbell?"

"No, sir; I was a pacificator, a—"

"Everybody laughed again, and the sergeant-at-arms jumped up and called for order."

"That's all I have to say to you, Mr. Wood," said Major Conrad.

"Thank you, sir."

"But the gentlemen over there may want to say something."

"Oh!" said Mr. Wood, as he wheeled around and gazed at the gentlemen over the bar.

"Mr. Pacificator," said Mr. Strode, "we are some impressed with you—"

"Excuse me, Mr. Strode, while I lay my hat down, said the witness, bending over and placing his hat on the floor of the counsel's desk.

"—that we will not say another word to you. You may stand aside."

"Thank you kindly, sir," said the witness, relating to the small ripple of amusement and applause.

PROSECUTION TESTIFIES.

Mr. Thomas Whitehead, Jr., of Lynchburg, was recalled to the stand to state his connection to the case to which Mr. Strode had reference in his cross-examination. In effect Mr. Whitehead declared that he had proved to Judge Campbell that Day sold whiskey without a license, with and without prescriptions, and that he had violated the law at different points. The fact that the witness had given Judge Campbell had given Day a license.

According to Mr. Whitehead, one of the witnesses he introduced before Judge Campbell in his prosecution of the charges against Day, said he had a waste basket full of prescriptions. Another told what one of these prescriptions was. He said it read as follows: "Let 'Uncle' Bob have all the whiskey he wants. He is a good fellow."

"Dr. Tunstall was also recalled. He stated that when Mr. Payne got the whiskey in Nelson, he (Tunstall) was no longer owner of the drug store. Two months before he had sold out. The fact that the witness had been the clerk was in reality the proprietor.

"Did you have any interest in the store?" asked a member of the committee.

"No, sir, not a bit—had sold out clean."

COMPLETION OF DAY'S CASE.

After some important announcements from Major Conrad, set forth above, the committee rose until 8 o'clock at night.

THE NIGHT SESSION.

The Very Remarkable Statements of Mr. W. M. Burford.

When the committee was rapped to order again shortly after 8 o'clock the hall was packed and jammed again. Many new faces were there and quite a number of ladies were present. Chairman Southall was absent at first, but came in later.

MR. PAYNE AGAIN.

For the third time since the investigation began, Mr. T. C. Payne was placed upon the stand—this time Major Conrad said to clear up a matter "which is not clear in my mind. The matter referred to was connected with the light made in Amherst by certain citizens against the granting of a license to S. A. Day. Mr. Thomas Whitehead prosecuted the case against Day, and Mr. Payne appeared in behalf of the defendant. The former, who has been on the stand since, who seems to be pitted against the latter, has made certain statements about the facts he proved before Judge Campbell, who nevertheless granted a license. Mr. Payne now wants to say that Mr. Whitehead was not a witness in the case, but that he was a witness, gave his side of the case entirely and was "palpably unjust" to Day in

omitting to say anything about the other side.

"That there was such an other side Mr. Payne stated most emphatically. He went into an elaborate detail and showed wherein the defendant in the Amherst proceedings had succeeded in so qualifying the testimony of Mr. Whitehead's witnesses that we didn't think it necessary to introduce evidence, but rested our case on the strength of what the cross-examination of Mr. Whitehead's witnesses had brought forth."

"Isn't it a fact, Mr. Payne," asked Judge Loving, "that you advised Mr. Day to plead guilty in the Amherst case because you were familiar with the facts and knew that your client had violated the law, and that the minimum fine was a good escape?"

"That is my argument, but that question, Judge Loving, but have no bearing in answering it. I know nothing of any violation of the law. I was not called upon to have such knowledge, and I didn't want to."

"Are you prepared to say, Mr. Payne, that Mr. Day was not violating the law?"

"Oh, I heard—"

"I don't want to know what you heard, Mr. Payne, but what you know of your own jury knowledge. Do you mean to say that you did not know what Mr. Day was violating the law?"

"I most certainly do mean to say that very thing."

ANOTHER JURYMAN.

Another member of the jury which tried Judge Campbell—Mr. W. M. Burford—followed Mr. Payne to the stand. This witness denied in whole the testimony of Mr. Bowen, who said he overheard that a startling conversation in the jury-room. Most emphatically he declared that there was absolutely no foundation for statements of Mr. Bowen that there was a resolution on the part of the juryman to acquit Judge Campbell, despite all the evidence. He did not even hear Mr. Woodruff make that remark, that he wouldn't carry in a verdict not guilty because it would be a disgrace to the county. Mr. Burford also declared that to the best of his knowledge and belief the jury applauded when the verdict was rendered.

"When did you arrive in Richmond, Mr. Burford?" asked Mr. Strode.

"This afternoon on the 8 o'clock train."

"You didn't hear the other juryman testify?"

"No, sir."

"What did Mr. Woodruff say in the jury-room?"

"I don't remember."

"Didn't he say anything?"

"I don't remember."

"I remember that Mr. Woodruff said he would object to bringing in a verdict of acquittal if it wasn't for his father, who was a bitter opponent of Judge Campbell."

"What was the foreman of the jury, Mr. Burford?"

"I don't remember positively, but I think it was Mr. Bryon."

"Wasn't there a proposition to make Mr. Woodruff foreman of the jury?"

"I think so."

"Now, think, Mr. Burford, isn't it a fact that there was such a proposition and that you yourself said Woodruff was too strong an anti-Campbell man, and should not be at the head of the jury?"

DIDN'T REMEMBER.

"I don't remember. I don't think I did."

"Did any whiskey reach the jury?"

"I think we had some whiskey on the first day."

"Who got it?"

"The deputy sheriff."

"Who paid for it?"

"We pitched in and bought it ourselves."

"How much of it was there?"

"You know how far a quart will go. Mr. Strode, I think that is all we had. There were thirteen of us, including the deputy sheriff, and we each had a little drink."

"Enough to make you see visions?"

"No, sir."

A MOST PECULIAR AFFAIR.

A disposition was then manifested by Mr. Strode to question the witness, with reference to the affidavit from him recently filed and published in this paper. In this affidavit, purported to be from Mr. Burford, that remark that he had made about the existence of a conspiracy among the juryman to out and about their way out of court before they would permit themselves to be impeached. The affidavit could be found at once, however, and Mr. Burford was asked to stand aside for a few moments. Other witnesses were called out then. When the affidavit was found Mr. Burford was recalled. The paper was read by Mr. Strode, who asked Mr. Burford if he had made any such statements—if the affidavit was correct.

"Part of it," said Mr. Burford.

"Is that your signature on the paper?"

"Yes, sir."

"And yet you say only a part of it is true?"

"I should like to explain," said the witness in effect. "There are two of you gentlemen who testified that the affidavit is different from the one you read. I signed them both. But I wish it understood I admit that I said a part that is in the affidavit to a friend, Mr. Tinsley. Mr. Tinsley told me that Mr. Burford had had the two affidavits drawn up. I was asked to sign them, but I refused. I said they were not right and that I couldn't agree to them. They started to change it, but the man who was writing it said that they were got through it would be so erased and marked up that the affidavit couldn't be read. So they told me to sign them and that later there would be two new affidavits drawn up, meeting my views. Mr. Burford said he signed the positive that the affidavits would not be produced against me and that I should hear no more of them, because they didn't state what I said. But Mr. Evans said he would prepare a new affidavit and that the jury would sign others signed meanwhile. That's what Mr. Evans said and that's the only agreement on which I signed the two papers. But Mr. Evans didn't keep his agreement, never signed any affidavit, and the next I heard of the matter the wrong one I had signed about the other could be prepared was presented here in Richmond and was published in the newspapers."

ANOTHER FUNNY THING.

"Didn't you go before Mr. Bowman, Mr. Burford, to sign your signature on this paper, and swear that what was in the affidavit was correct?"

"No, sir."

"Didn't you go before Mr. Bowman or didn't he come to you?"

"No, sir."

"How did he come to sign it?"

"I met Mr. Bowman in the bank and he signed the affidavit there. He didn't say a word to me, and he didn't administer any oath. I didn't even know he was a notary."

"Did you know you were swearing that the statements in the affidavit were true?" asked Major Conrad.

"No, sir. I wouldn't have done it."

COULD NOT SHAKE HIM.

Efforts were made to shake the witness, but without avail. He stuck fast to his statements, and despite the fact that Judge Loving indicated that it was an unlikely tale he was telling he stated calmly that it was true. He said again that the affidavits were not correct, that he was not a witness in the case, and that the fact they still asked him to sign them until new ones could be prepared and that he and others said, if the new affidavits

didn't meet his (Burford's) views, the old would never be produced; that despite the agreement, there had never been drawn up and other affidavits, and that the affidavits had been laid before the committee in Richmond. It was impossible to get the witness away from these statements.

Several times the witness said he acknowledged the first part of the affidavit, and he was finally called upon to state what part of it was correct.

Mr. Burford made in effect:

"I did go to Judge Wood and ask him if he would allow witnesses to go on the stand to impeach the juryman. He said he didn't think he would let me wanted to know was if we were going to be allowed to impeach those who were brought in to impeach us. (Laughter.) Judge Wood didn't seem to want to talk about the matter at all."

"Did you say anything about a rum (as the affidavit says) if the jury were impeached?"

"No, sir."

"Why did you go to Judge Wood? Were you afraid of trouble?"

"No, sir; no more afraid than I am now."

"Did the juryman discuss the matter (as the affidavit says) and may there be a rum if the impeachment proceedings went on?"

"No, sir, we didn't discuss it. We didn't think much about it, as I remember."

In the affidavit which was begun to be read the word "rum" is stricken out, and "fuge" substituted. Is that your change?"

"No, sir."

"Where did it come from?"

"From Tinsley."

NO SHOOTING OR CUTTING.

"Was there anything said in the jury about shooting and cutting and rising at a signal (as stated in the affidavit)?"

"No, sir."

"Where did it come from?"

"From Tinsley."

"Were any of the juryman armed?" asked Mr. Strode.

"I don't know; I think I saw one revolver."

"What makes you so uncertain?"

"I want to be right."

"Were there any other arms?"

"Pocket knives."

"Don't mean that unless they were of unusual size?"

"I didn't see any large knives."

"Then there is nothing in these affidavits?"

"They are all osh."

"The arguments of the fertile imagination of Mr. Tinsley?"

"Yes, of Mr. Tinsley's imagination to get a trip to Richmond."

"To get a trip to Richmond? How do you know that, Mr. Burford?" asked Major Conrad.

"He told me so."

"What did he tell you?"

"Some time after I asked him why he was so interested in this affair. He slapped me on the back and said: 'Well, you know, I wanted to go with the boys to Richmond.'"

Close questioning of Mr. Burford followed along the line of his feeling on the question—whether or not he had expressed an opinion on the matter before he served on the jury—but the examination soon veered around again and got back to the main issue. Major Conrad asked the witness in plain and simple language what he had said about the affidavits—on the understanding that others would be prepared to impeach him. He said that he had refused to sign the first affidavits, but that his friend Tinsley said he wanted a trip to Richmond, and that thereupon he signed the affidavits—on the understanding that others would be prepared to impeach him. He said that he had refused to sign the first affidavits, but that his friend Tinsley said he wanted a trip to Richmond, and that thereupon he signed the affidavits—on the understanding that others would be prepared to impeach him. He said that he had refused to sign the first affidavits, but that his friend Tinsley said he wanted a trip to Richmond, and that thereupon he signed the affidavits—on the understanding that others would be prepared to impeach him.

TALKED TO TINSLEY.

"Have you seen Mr. Tinsley since he testified?"

"Yes, sir."

"Did you talk about this matter?"

"Yes; I asked him what he meant by saying such a thing. He replied that if I wanted to know the truth, I should come to Richmond and he would be willing to come back here and get on this stand and say he did it."

"That was after he testified here?"

"Yes, sir."

"And Mr. Tinsley said that?"

"Yes, sir."

"Gentlemen, I am not surprised to learn that so large an amount of whiskey is consumed in Amherst County. I have nothing else to say to you, Mr. Burford."

END OF MR. BURFORD.

Counsel for the prosecution then took the witness in hand again and attempted to show him what